

**ORIGINAL**

**Mark Coburn, Esq.**  
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JUN 15 2004

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CLERK OF COURT

DEPUTY

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

LOUIS TAKACS, on behalf of himself  
And others similarly situated,

Plaintiffs,

v.

Case No.  
CV-S-03-1550  
RLH-(LRL)

JOSHUA MICHAELY and PRESTIGE OF  
LAS VEGAS, INC., GALINA KUBRAK  
and AMERICAN REALTY GROUP, INC.

Defendants.

**ANSWER TO AMENDED COMPLAINT**

COMES NOW, Defendant Galina Kubrak, by and through her counsel Mark Coburn, and hereby file this, her Answer to Plaintiff's Amended Complaint as follows:

1.

Answering Paragraph 1 Plaintiff's Complaint, answering Defendant states that she is without sufficient knowledge or information necessary to form a belief as to the truth or falsity of said allegations, and therefore denies same.

2.

Answering Paragraph 2 of Plaintiff's Complaint, answering Defendant admits said allegation.

3.

Answering Paragraph 3 of Plaintiff's Complaint, Defendant hereby denies said allegations.

4.

Answering Paragraphs 4 of Plaintiff's Complaint, answering Defendant admits said allegations.

5.

Answering Paragraph 5 and 6 of Plaintiff's Complaint, answering Defendant denies said allegations.

6.

Answering Paragraph 7 of Plaintiff's Complaint, answering Defendant admits said allegation.

7.

Answering Paragraph 8 of Plaintiff's Complaint, answering Defendant denies said allegation.

8.

Answering Paragraph 9 of Plaintiff's Complaint, answering Defendant admits said allegations.

9.

Answering Paragraph 10 through 14 of Plaintiff's Complaint, answering Defendants deny said allegations.

10.

Answering Paragraph 15 of Plaintiff's Complaint, Defendant hereby admits said allegation only as to the extent of Michael exercising some limited control over some aspects of the Plaintiff's employment. It is hereby denied that such conduct would make him an employer or "person acting on behalf of employer."

11.

Answering Paragraph 16 through 22 of Plaintiff's Complaint, Defendant hereby denies said allegations.

12.

Answering Paragraph 23 through 26 of Plaintiff's Complaint, Defendant hereby admits said allegations.

13.

Answering Paragraph 27 of Plaintiff's Complaint, Defendant hereby denies said allegations.

14.

Answering Paragraph 28 through 37 of Plaintiff's Complaint, Defendant hereby denies said allegations.

Any Paragraph not herein specifically admitted is hereby denied.

**FIRST AFFIRMATIVE DEFENSE**

Defendants allege that the occurrences referred to in the Plaintiff's Complaint, and all injuries and damages, if any, resulting there from, were caused by the acts or omissions of a third party over whom Defendants had no control.

**SECOND AFFIRMATIVE DEFENSE**

Plaintiffs' Complaint on file herein fails to state a claim against these Defendants upon which relief can be granted.

**THIRD AFFIRMATIVE DEFENSE**

Any harm or injury or claim of damage of Plaintiffs', or cause of action of Plaintiffs, as alleged or stated in Plaintiffs' Complaint, is barred by the doctrine of laches, as to all or part of the Plaintiff's claim.

**FOURTH AFFIRMATIVE DEFENSE**

Defendants allege that Plaintiff is estopped from pursuing any claim against Defendants.

**FIFTH AFFIRMATIVE DEFENSE**

The doctrine of unclean hands prevents any recovery by Plaintiffs herein.

**SIXTH AFFIRMATIVE DEFENSE**

The incidents alleged in the Complaint, and the resulting damage, if any, to Plaintiffs, was proximately caused or contributed to by the Plaintiffs' own actions and/or negligence, and such negligence was greater than the negligence, if any, of the Defendants.

**SEVENTH AFFIRMATIVE DEFENSE**

Plaintiff herein failed to mitigate his damages.

**EIGHTH AFFIRMATIVE DEFENSE**

All possible affirmative defenses may not have been alleged herein insofar as sufficient facts were not available after reasonable inquiry upon the filing of these answering Defendants' Answer, and therefore, these answering Defendants reserve the right to amend this Answer to allege additional Affirmative Defenses if subsequent investigation warrants.

WHEREFORE, Defendants pray for Judgment as follows:

1.

That Plaintiffs take nothing by virtue of this action and that same be dismissed with prejudice;

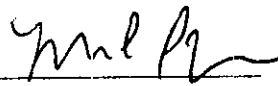
2.

That Defendants be awarded their reasonable attorney's fees and costs incurred in the defense of this action; and

3.

Such other and further relief as the Court deems just and proper.

DATED this 15<sup>th</sup> day of June, 2004.

BY:   
Mark Coburn, Esq.  
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2722 Highland Drive  
Las Vegas, NV 89109  
(702) 732-9007

**CERTIFICATE OF SERVICE**

I hereby certify that on June 15, 2004, I served a copy of the foregoing ANSWER TO FIRST AMENDED COMPLAINT by depositing a copy of same in a sealed envelope with first class postage attached thereto and addressed as follows:

Leon Greenberg, Esq.  
Law Offices of Leon Greenberg  
633 S. 4<sup>th</sup> Street  
Suite 9  
Las Vegas, NV 89010

By:



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Mark Coburn, Esq.  
Attorney for Defendant  
Galina Kubrak